

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LINDA ADAMS,
Plaintiff,

v.

WAFFLE HOUSE, INC. D/B/A
WAFFLE HOUSE,
Defendant.

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Cause No. 3:21-CV-00837

JOINT SETTLEMENT STATUS REPORT

In accordance with the Court’s April 5, 2023 Electronic Order (Document No. 12), Plaintiff Linda Adams and Defendant Waffle House, Inc. d/b/a Waffle House (the “Parties”) file this Joint Settlement Status Report in the above cause.

1. This lawsuit involves allegations of personal injury damages related to a slip and fall incident that occurred on or about May 11, 2019. Plaintiff has alleged numerous injuries which she claims were caused by the incident in question. These injuries include head, neck, and back injuries.

2. In order to make informed decisions as to their respective settlement postures, the Parties requested records from the Centers for Medicare and Medicaid Services (“CMS”) pertaining to Plaintiff’s medical treatment. However, the records from CMS were not received before the September 15, 2022 mediation scheduled with mediator Mike McCullough. Consequently, the Parties agreed to reschedule the mediation to November 2, 2022 to allow time for receipt and review of the requested records from CMS.

3. On October 26, 2022, four business days before mediation, Plaintiff produced to Defendant a copy of the preliminary conditional payment records from CMS, purportedly

reflecting the medical treatment CMS identified as being related to Plaintiff's claims. That same day, counsel for the Parties conferred by telephone and email regarding next steps to ensure they could negotiate in good faith during mediation. Defendant's counsel requested the Parties to reschedule the November 2, 2022 mediation to allow time for Defendant's counsel to review the CMS records, evaluate Plaintiff's claim, and consult with her client regarding their mediation position. Further, during this time period, Plaintiff's counsel advised that he was dealing with an unexpected medical issue involving his pregnant wife who was hospitalized due to high-risk pregnancy complications and remained hospitalized through the end of 2022. The undersigned's newborn daughter was also hospitalized in the neonatal intensive care unit until she was released and able to come home in January 2023. The Parties agreed to postpone the previously scheduled November 2, 2022 mediation until such time as they would be able to continue informal settlement discussions and/or appear at mediation. Consequently, fruitful negotiations were somewhat stalled from late October 2022 through January 31, 2023, as Plaintiff's undersigned counsel was working on a limited basis due to these unforeseen medical issues.

4. Since late January 2023, the Parties have engaged in monthly settlement communications and have been encouraged by the progress of their discussions. In the course of their discussions, Plaintiff's counsel reported that a portion of the CMS conditional payment records previously produced were unrelated, as some of the treating providers and associated payments identified by CMS do not reflect Plaintiff's actual treatment for injuries she claims is related to this incident. Discovery is ongoing to obtain final payment records from CMS so that the Parties can accurately assess Plaintiff's alleged economic losses and continue informal settlement discussions after these records are obtained and reviewed.

5. Should informal settlement negotiations reach an impasse, the parties are scheduled to mediate the case with Mike McCullough on May 31, 2023.

Respectfully submitted,

/s/ Taylor Adams

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WAFFLE HOUSE, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following counsel in accordance with the Federal Rules of Civil Procedure and Local Rules of this Court on this 19th of April, 2023.

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